

**RESOLUTION NO. 99-65
CONDITIONS OF APPROVAL- RECOMMENDED
TENTATIVE TRACT MAP 29136
KSL LAND CORPORATION
MAY 18, 1999**

CONDITIONS OF APPROVAL

GENERAL

1. Upon their approval by the City Council, the City Clerk is directed to file these Conditions of Approval with the Riverside County Recorder for recordation against the properties to which they apply.
2. The subdivider agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this tentative map or any final map thereunder. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

3. Tentative Tract Map 29136 shall comply with the requirements and standards of §§ 66410 through 66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC).
4. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:
 - Fire Marshal
 - Public Works Department (Grading Permit, Improvement Permit)
 - Community Development Department
 - Riverside Co. Environmental Health Department
 - Coachella Valley Unified School District
 - Coachella Valley Water District (CVWD)
 - Imperial Irrigation District (IID)
 - California Water Quality Control Board (CWQCB)

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall submit a copy of the Notice of Intent received from the CWQCB prior to issuance of a grading, or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

5. The applicant shall comply with the terms and requirements of the infrastructure fee program in effect at the time of issuance of building permits.

PROPERTY RIGHTS

6. Prior to approval of a final map, the applicant shall acquire or confer easements and other property rights required of the tentative map or otherwise necessary for construction, or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate, or grant access easements to the City for emergency services and for maintenance, construction, and reconstruction of essential improvements.
7. The applicant shall dedicate, or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
8. Right of way dedications required of this development include:
 - a. Madison Street, Monroe Street and Airport Boulevard (Primary Arterials) - 55-foot halves of 110-foot rights of way

Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.

If the City Engineer determines that access rights to proposed street rights of way shown on the tentative map are necessary prior to approval of final maps dedicating the rights of way, the applicant shall grant interim easements to those areas within 60 days of written request by the City.

9. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet with the express concurrence of Imperial Irrigation System.
10. The applicant shall create 20-foot-deep perimeter setbacks along public rights of way. The 20-foot depth is the average depth if meandering wall design is approved.

The setback requirement applies to all frontage including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks, equestrian paths) are placed on privately-owned setbacks, the applicant shall dedicate blanket easements for those purposes.

11. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, mailbox clusters and common areas.
12. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along the streets and properties except access points shown on the approved tentative map and along well site lots.
13. The applicant shall furnish proof of easements, or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.
14. If the applicant proposes vacation, or abandonment of any existing rights of way, or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties, or notarized letters of consent from the property owners
15. The applicant shall cause no easements to be granted, or recorded over any portion of this property between the date of approval by the City Council and the date of recording of any final map(s) covering the same portion of the property unless such easements are approved by the City Engineer.

FINAL MAP(S) AND PARCEL MAP(S)

16. Prior to approval of a final map, the applicant shall furnish accurate AutoCad files of the complete map, as approved by the City's map checker, on storage media and in a program format acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program.

If the map was not produced in AutoCad, or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the map.

IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect" refer to persons currently certified, or licensed to practice their respective professions in the State of California.

17. Improvement plans shall be prepared by, or under the direct supervision of qualified engineers and landscape architects, as appropriate. Plans shall be submitted on 24" x 36" media in the categories of "Rough Grading," "Precise Grading," "Streets & Drainage," and "Landscaping." All plans except precise grading plans shall have signature blocks for the City Engineer. Precise grading plans shall have signature blocks for Community Development Director and the Building Official. Plans are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, gates and entryways, and parking lots. "Landscaping" plans shall normally include irrigation improvements, landscape lighting and perimeter walls.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

18. The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City Resolution, the applicant may acquire standard plan and/or detail sheets from the City.

19. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad, or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

IMPROVEMENT AGREEMENT

20. Depending on the timing of development of the parcels created by this map and the status of off-site improvements at that time, the subdivider may be required to construct improvements, to reimburse the City or others for the cost of the improvements, to secure the cost of the improvements for future construction by others, or a combination of these methods.
21. The applicant shall construct improvements and/or satisfy obligations, or furnish an executed, secured agreement to construct improvements and/or satisfy obligations required by the City prior to approval of a final map or parcel map, or issuance of a certificate of compliance for a waived parcel map. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, La Quinta Municipal Code.

Improvements to be made, or agreed to shall include removal of any existing structures, or obstructions which are not part of the proposed improvements.

22. If improvements are secured, the applicant shall provide estimates of improvement costs for checking and approval by the City Engineer. Estimates shall comply with the schedule of unit costs adopted by City Resolution or Ordinance. For items not listed in the City's schedule, estimates shall meet the approval of the City Engineer.

Estimates for utilities and other improvements under the jurisdiction of other agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, development-wide improvements shall not be agendized for final acceptance until the City receives confirmation from the telephone authority that the applicant has met all requirements for telephone service to lots within the development.

23. If improvements are phased with multiple final maps, or other administrative approvals (e.g., a Site Development Permit), off-site improvements and perimeter improvements shall be constructed as outlined in the "Street and Traffic Improvements" and "Landscaping and Wall" sections of these Conditions of Approval.
24. If the applicant fails to construct improvements, or satisfy obligations in a timely manner, or as specified in an approved phasing plan, or in an improvement agreement, the City shall have the right to halt issuance of building permits or final building inspections, withhold other approvals related to the development of the project or call upon the surety to complete the improvements.
25. The applicant's obligations for portions of the required improvements may, at the City's option, be satisfied by participation in a major thoroughfare improvement program if this development becomes subject to such a program.

GRADING

26. This development shall comply with Chapter 8.11 of the LQMC (Flood Hazard Regulations). If any portion of any proposed building lot in the development is located within, or immediately adjacent to a flood hazard area as identified on the City's Flood Insurance Rate Maps, the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project flood and building pads are compacted to 95% Proctor Density. Prior to issuance of building permits for lots which are so located, the applicant shall receive Conditional Letters of Map Revision based on Fill (CLOMR/F) from FEMA. Prior to final acceptance by the City of subdivision improvements, the applicant shall have received final LOMR/Fs for all such lots.

27. The applicant shall furnish a preliminary geotechnical ("soils") report and a grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist. The plan must be approved by the City Engineer prior to issuance of a grading permit. A statement shall appear on final maps (if any are required of this development) that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.
28. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.
29. The applicant shall endeavor to minimize differences in elevation at abutting properties and between separate tracts and lots within this development. Building pad elevations on contiguous lots shall not differ by more than three feet except for lots within a tract, or parcel map, but not sharing common street frontage, where the differential shall not exceed five feet. If compliance with this requirement is impractical, the City will consider and may approve alternatives which minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.
30. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, LQMC. The Applicant shall furnish security, in a form acceptable to the city, in an amount sufficient to guarantee compliance with the provisions of the permit.
31. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.
32. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by a civil engineer, or surveyor. The certifications shall list approved pad elevations, actual elevations, and the difference between the two, if any. The data shall be organized by lot number and shall be listed cumulatively if submitted at different times.

DRAINAGE

The applicant shall comply with the provisions of Engineering Bulletin No. 97.03 and the following:

33. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
34. Stormwater falling on site during the peak 24-hour period of a 100-year storm (the design storm) shall be retained within the development unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets.
35. Storm flow in excess of retention capacity shall be routed through a designated, unimpeded overflow outlet to the historic drainage relief route.
36. Storm drainage historically received from adjoining property shall be retained on site, or passed through to the overflow outlet.
37. Retention capacity shall be based on site-specific percolation data which shall be submitted for checking with drainage plans. The design percolation rate shall not exceed two inches per hour.
38. Nuisance water shall be retained on site and disposed of in a manner approved by the City Engineer.

UTILITIES

39. The applicant shall obtain the approval of the City Engineer for the location of all above-ground utility structures, located offsite, or within perimeter setbacks, to ensure optimum placement for aesthetic as well as practical purposes. These structures include, but are not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands.
40. Existing and proposed electric, telephone and cable utilities within, or adjacent to the proposed development shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.

41. Underground utilities shall be installed prior to overlying hardscape. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

42. The City is contemplating adoption of a major thoroughfare improvement program. Any property within this development which has not been subdivided in accordance with this tentative map 60 days after the program is in effect shall be subject to the program as determined by the City.
43. The applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses. (Public street improvements shall conform with the City's General Plan in effect at the time of construction.)

A. OFF-SITE STREETS

1. Madison Street, Monroe Street & Airport Boulevard - Construct 55-foot half of a 110-foot improvement plus raised landscape median and six-foot meandering sidewalk. The improvements shall be phased as follows:
 - (a) Construct the east side of Madison Street and the west half of Airport Boulevard prior to the opening of any permanent access drive in the western half of the specific plan area, or when directed by the City, whichever comes first.
 - (b) Construct the east half of Airport Boulevard and the west side of Monroe Street prior to the opening of any permanent access drive in the eastern half of the specific plan area, or when directed by the City, whichever comes first.
 - (c) The subdivider may seek City Council approval to defer construction of all, or a portion of the off-site street improvements until the improvements are warranted.

B. TRAFFIC SIGNALS

1. Airport Boulevard/Madison Street - 25% fair-share responsibility
2. Airport Boulevard/Monroe Street - 25% fair-share responsibility
3. Airport Boulevard/Entry Drive - 100% responsibility
4. Madison Street/Entry Drive - 100% responsibility unless cost is shared with development across the street.

C. PRIVATE STREETS AND CULS DE SAC

1. Residential: 36-foot travel width. Width may be reduced to 32 feet with parking restricted to one side and 28 feet with on-street parking prohibited if there is adequate off-street parking for residents and visitors and the applicant provides for perpetual enforcement of the restrictions by the homeowners association.
2. Entry streets (divided) - 20-foot width between curb faces or flow lines for each section.
3. Cul-de-sac curb radius: 45 feet

Main interior circulation routes, turn knuckles, corner cutbacks, bus turnouts, dedicated turn lanes, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

44. General access points and turning movements of traffic are limited to the following:
 - A. Madison Street - Main entry drive centered approximately 1,350 feet north of the centerline of Airport Boulevard.
 - B. Airport Boulevard - Main entry drive centered approximately 2,150 feet east of the centerline of Madison Street.
 - C. Monroe Street - Main entry drive centered approximately 950 feet north of the south line of Lot B (centerline of Airport Boulevard).

- D. Well Site Lots 18-20 - Driveways for utility authority access to the well sites (if approved in the well site development permitting process).
45. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs, and sidewalks. Mid-block street lighting is not required.
46. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).
47. Improvements shall be designed and constructed in accordance with the LQMC, adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
48. Street right of way geometry for knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.
49. Streets shall have vertical curbs, or other approved curb configurations which convey water without ponding and provide lateral containment of dust and residue for street sweeping. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.
50. The applicant shall design street pavement sections using Caltrans' design procedure (20-year life) and site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows, (or approved equivalents for alternate materials):

Residential & Parking Areas	3.0" a.c./4.50" a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

51. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.
52. The City will conduct final inspections of homes and other habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. If on-site streets are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the tract or when directed by the City, whichever comes first.

LANDSCAPING AND PERIMETER WALL

53. The applicant shall provide landscaping in perimeter setbacks and common lots.
54. The applicant shall provide decorative walls around the tentative map perimeter.
55. Walls and perimeter landscaping shall be constructed with adjacent tracts or as directed by the City, whichever comes first.
56. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

57. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 18 inches of curbs along public streets.

PUBLIC SERVICES

58. The applicant shall provide public transit improvements as required by Sunline Transit and/or the City.

QUALITY ASSURANCE

59. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
60. The applicant shall employ, or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
61. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program, but required by the City as evidence that construction materials and methods comply with plans and specifications. Where retention basins are installed, testing shall include a sand filter percolation test, as approved by the City Engineer, after tributary-area improvements are complete and soils have been permanently stabilized.
62. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all public improvement plans which were signed by the City Engineer. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD, or raster-image files previously submitted to the City to reflect as-constructed conditions.

MAINTENANCE

63. The applicant shall make provisions for continuous, perpetual maintenance of all required improvements unless and until expressly released from said responsibility by the City. This shall include formation of a homeowners' association or other arrangement acceptable to the City for maintenance of retention basins, common areas and perimeter walls and landscaping.

FEES AND DEPOSITS

64. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.

If this subdivision falls within an existing assessment district or in an area that may be subject to an assessment district, add the following condition:

65. Prior to approval of a final map or completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of the reapportionment.